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PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: McDonald, Richard

Application No.: 10/684,851

Art Unit: 3635

Filed: October 15, 2003

Examiner: Chapman

Title: Breakaway Support for Overhead Lines

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☒ has been filed previously on August 26, 2005  
☐ is enclosed herewith.

06/28/2006 AWONDAF1 00000081 10684851

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453

750.00 OP

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature

6/23/06  
\_\_\_\_\_  
Date

Anthony Tacconi  
\_\_\_\_\_  
Typed or printed name

48,660  
\_\_\_\_\_  
Registration Number, if applicable

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\_\_\_\_\_  
Address

804-497-2916  
\_\_\_\_\_  
Telephone Number

4501 Highwoods Parkway, Suite 210, Glen Allen, Virginia 23060  
\_\_\_\_\_  
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

6/23/06  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

Anthony Tacconi  
\_\_\_\_\_  
Typed or printed name of person signing certificate



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Richard Alan MCDONALD

Application No. : 10/684,851

Filed: October 15, 2003

Title: Breakaway Support for Overhead Lines

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

**BRIEF SHOWING CAUSE OF UNINTENTIONAL DELAY IN SUPPORT OF  
RENEWED PETITION UNDER 37 C.F.R. §1.137(b)**

The accompanying renewed petition arises out of U.S. Patent Application No. 10/684,851 filed by Applicant Richard A. McDonald ("McDonald") on October 15, 2003. Applicant McDonald drafted, filed and prosecuted the '851 application pro-se before the U.S. Patent and Trademark Office.

On or about November 2, 2004, Examiner Jeanette Chapman issued an Office Action rejecting all five pending claims in the application. On or about January 5, 2005, within the period set for reply, Applicant filed a timely response to said Office Action in letter form. Applicant's reply was received in the U.S.P.T.O. and classified as a Miscellaneous Incoming Letter.

Ultimately, Applicant's reply was deemed unresponsive to the outstanding Office Action. Upon information and belief, it was deemed unresponsive, in part, due to the

length of the document and failure to comply with the requisite format for such replies.

On or about July 15, 2005, Applicant received a Notice of Abandonment for his application.<sup>1</sup> The Notice indicated that the application was deemed abandoned in light of the fact that “no reply had been received.”

Upon receipt of said Notice, Applicant contacted Examiner Chapman and sought advice on how to proceed in order to continue prosecution of the application. After speaking with Examiner Chapman, Applicant promptly contacted the undersigned patent attorney in an attempt to take immediate steps to revive the application and reinitiate prosecution.

Applicant’s abandonment was involuntary and unintentional and would thus fall within the purview of 37 CFR §1.137(b). Applicant filed a timely reply and his actions confirm a bona-fide attempt to comply with the requirements of the U.S.P.T.O. and advance the prosecution of the matter. Applicant’s reply was by no means cursory or lacking in detail or specificity. Although Applicant’s reply may not have properly addressed the issues the Examiner raised under 35 U.S.C. §103(a) and/or have been in compliance with all formal requirements, Applicant filed with a good faith belief that he had complied with all such requirements. As a result, Applicant’s abandonment was unintentional, and had he been permitted a new time period within which to file a revised Reply, he certainly would have done so.

On or about August 26, 2005, Applicant, through the undersigned, filed a petition for revival of the application. Applicant presented arguments under both 37 C.F.R.

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<sup>1</sup> Although the notice of abandonment contains a mailing date of June 30, 2005, the correspondence was not received by Applicant for almost two weeks following that date as it was addressed to Applicant’s former address. Applicant, in his reply of January 5, 2005 (and inadvertently not realizing the appropriate manner through which a change of address is effected) indicated that he had moved and requested that all correspondence be forwarded to his new residence. *See McDonald Reply at 14.*

§1.137(a) and (b), however, Applicant did not include the necessary fee for a petition pursuant to 37 C.F.R. §1.137(b).

Consequently, Applicant submits this renewed petition, along with the requisite fee, and respectfully requests that his petition be granted and that the application be revived pursuant to 37 CFR §1.137(b).

Respectfully submitted,

Date: 6/23/64

  
\_\_\_\_\_  
Anthony Tacconi  
48,660

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GOODMAN  
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JUNE 23, 2006

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**RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Re: First Named Inventor: McDonald, Richard  
Application No. 10/684,851

Dear Sir or Madam:

Please find enclosed a Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) and Brief Showing Cause of Unintentional Delay in Support of Renewed Petition Under 37 C.F.R. § 1.137(b) in connection with the above referenced matter. Also enclosed is the Small Entity Petition Fee in the amount of \$750.00.

Very truly yours,

Anthony Tacconi

AT:jr  
Enclosures